

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

ALEJANDRO ANTONIO CABRERA,)	Case No. 2:23-cv-00874-MEMF-JC
Petitioner,)	
v.)	ORDER ACCEPTING FINDINGS,
)	CONCLUSIONS, AND
WARDEN PAT HORN,)	RECOMMENDATIONS OF
)	UNITED STATES MAGISTRATE
Respondent.)	JUDGE

Pursuant to 28 U.S.C. § 636, the Court has reviewed the Petition for Writ of Habeas Corpus by a Person in State Custody pursuant to 28 U.S.C. § 2254 (“Petition”), the Motion to Dismiss the Petition and all documents submitted by the parties in conjunction therewith, and all of the records herein, including the May 31, 2023 Report and Recommendation of United States Magistrate Judge (“Report and Recommendation”). The Court approves and accepts the Report and Recommendation.

THE COURT HEREBY FINDS that Ground Two of the Petition is unexhausted and that the Petition is “mixed.”

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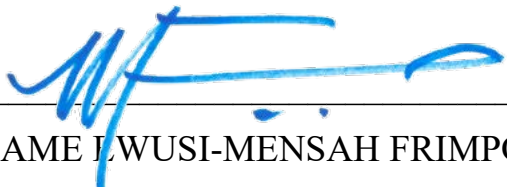
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1 THE COURT HEREBY ORDERS: (1) Unless petitioner seeks to amend the
2 Petition to delete Ground Two within fourteen (14) days of the entry of this Order,
3 the Motion to Dismiss is granted, the Petition and this action are dismissed, and the
4 Clerk shall enter judgment accordingly thirty (30) days from the entry of this Order
5 absent further order of the Court; and (2) If petitioner timely seeks to amend the
6 Petition to delete Ground Two, the Petition is amended to delete Ground Two, the
7 Motion to Dismiss is denied as moot, and respondent shall file a response to the
8 remaining claim – Ground One – within (30) days of the entry of this Order absent
9 further order of the Court.

10 IT IS FURTHER ORDERED that the Clerk serve copies of this Order and
11 any Judgment on counsel for petitioner and respondent.

12 IT IS SO ORDERED.

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14 Dated: September 27, 2023

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16 MAAME J. WUSI-MENSAH FRIMPONG
17 United States District Judge
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